REMARKS

Applicant appreciates the Examiner's withdrawal of the prior rejection of Claims 1-9 as anticipated by U.S. Pat. No. 6,282,431 to Konno. Claims 1-9 now stand rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Pat. Publ. No. 2002/0064096 to Ukita et al. (Ukita). Applicant has thoroughly reviewed Ukita and submits that it also does not disclose many features of independent Claim 1 and dependent Claims 2-9 for at least the reasons explained below.

Independent Claim 1 is Not Anticipated by Ukita

Applicant emphasizes that not only are the teachings of Ukita directed to entirely different subject matter that does not disclose many of the claimed features, but, moreover, any attempt to modify the teachings of Ukita to perform the claimed features would render Ukita unsatisfactory for its intended purpose, contrary to MPEP §2143.01(V).

Several features of Claim 1 are directed to a user inputting a reset time value to reset a real time clock and to checking the reset time value to constrain what changes are allowed to the real time clock. In sharp contrast, Ukita's teaches that "since the time information is performed in the inside of the portable device 6, *__such illegal accessing of the user as to change the time information from the outside can be prevented__*." (Ukita, para. [0087]) In paragraph [0087] and elsewhere, Ukita's disclosure is directed to preventing a user from "illegal accessing" to change the device's time information, because, if a user could change the device's time information, the user could then render Ukita's stated object of "allow[ing] accurate term management" of downloaded music completely unsatisfactory for its intended purpose. In particular, if a user can repetitively reset backward-in-time the clock in Ukita's music player device 6, then the user would be able to circumvent all time-managed copyright protections (e.g., Advanced TRansform Acoustic Coding ATRAC) that Ukita's teachings attempt to enforce. Such modification of Ukita's teachings would facilitate the "illegal accessing" and copyright infringement that Ukita seeks to prevent.

Ukita describes that the time information T11 of the real time clock 87 is written into the semiconductor flash memory 80 when the portable device 6 enters the standby mode, which prevents loss of the time information T11 when the device 6 loses power. (Ukita, para. [0080]) More particularly, Ukita describes in paragraph 0086 that "since time information is stored in the semiconductor flash memory 80 and the stored time information is rewritten at a

predetermined timing in this manner, even in such a case that supply of power is interrupted, time information can always be acquired by using the stored time information." When the device 6 regains power, Ukita teaches that the device 6 updates its time using time information T1 from a personal computer 1, but only if the time information T1 from the personal computer 1 is ahead-in-time to the time stored in the flash memory 80.

In particular, Ukita teaches that updating of the time T11 counted by the real time clock 87 of device 6 is performed "*only when the time information supplied from the real time clock circuit of the personal computer 1 leads the time T11 counted by the real time clock 87 [of device 6]*" so that a user is prevented from adjusting the real time clock 87 of device 6 so as to circumvent the time-managed copyright protection. (Ukita, para. [0076]) Ukita again emphasizes in paragraph 0086 that "by using the time information to perform term management of digital music contents C1 to which some limitation with regard to the term is applied, *illegal utilization of the digital music contents C1 [by the user] can be prevented.*"

Ukita does not disclose a system time generator that generates *system time information by adding an offset to real time information from a real time clock*. Rather, Ukita describes that the real time clock 87 is itself changed by setting it to the time information T1 from the personal computer 1. (Ukita, para [0076]) Ukita is devoid of any description that an offset is added to the time information T11 from the real time clock 87.

Ukita does not disclose an input means for a user to input instructions for changing system time information *that is added as an offset to a real time information* to a real time clock. Moreover, Ukita does not disclose *that a user can use* input means to input a reset time value for the real time clock in case real time information from the real time clock is lost. As explained above, Ukita expressly forbids the user from "*illegal accessing ... so as to change the time information from the outside*" in order to prevent "*illegal utilization of the digital music contents C1 [by the user]*." (Ukita, paras. [0086] and [0087]) Any attempt to modify the teachings of Ukita to provide an input means for a user to input instructions for changing system time information that is added as an offset to a real time information to a real time clock would render Ukita unsatisfactory for its intended purpose, contrary to MPEP §2143.01(V), by facilitating the "illegal access" and copyright infringement of music and other time protected media that Ukita seeks to prevent. MPEP §2143.01(V) states:

V. THE PROPOSED MODIFICATION CANNOT RENDER THE PRIOR ART UNSATISFACTORY FOR ITS INTENDED PURPOSE

If proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification.... (Citations omitted.)

Ukita does not disclose a decision means that limits the possible changes of the system time information generated by the system time generator to a preset time range. Although, Ukita teaches in paragraph [0076] that the time information T1 from the personal computer 1 can be used to change the time T11 counted by the real time clock 87 of device 6 when the time information T1 is ahead of the time T11, nowhere does Ukita describe or suggest that the amount of change allowed to the time T11 is constrained to no more than a predefined value.

Because many features of Claim 1 are not disclosed by Ukita, Ukita cannot anticipate Claim 1. Reconsideration and allowance of Claim 1 is therefore respectfully requested.

Dependent Claims Provide Independent Basis for Patentability Over Ukita

The dependent claims are patentable at least pursuant to their dependency from Claim 1. Moreover, Applicant submits that many of these claims provide independent basis for patentability over Ukita for at least the reasons explained below.

As to Claims 3 and 7: Ukita does not describe or suggest *that a user enters* a new system time, and moreover does not describe of suggest that such a user inputted reset time is not allowed to change a real time clock *when the user inputted reset time differs from real time information from a real time clock by more than a predefined value*. As explained above, Ukita teaches in, for example, paragraphs [0086] and [0087] that a user must not be allowed to have "*illegal access ... to change the time information from outside*" in order to prevent "*illegal utilization of the digital music contents C1 [by the user]*." Although, Ukita teaches in paragraph [0076] that the time information T1 from the personal computer 1 can be used to change the time T11 counted by the real time clock 87 of device 6 when the time information T1 is ahead of the time T11, nowhere does Ukita describe or suggest that the amount of change allowed to the time T11 is constrained to no more than a predefined value. Accordingly, Ukita does not describe or suggest that the features of Claims 3 and 7.
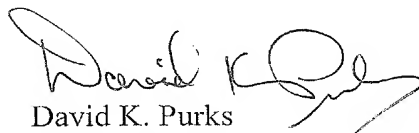
As to Claim 4: Ukita does not describe or suggest that the amount of change allowed to the time T11 *is constrained to no more than a fixed value in minutes*. Consequently, Ukita does not describe or suggest the features of Claim 4.

As to Claims 5 and 8: Ukita does not disclose that a predefined value, used by a decision means to constrain changes to the real time clock, *is defined in response to a given inaccuracy of the time information from a real time clock*.

Conclusion

In view of the above remarks, Applicant respectfully requests withdrawal of all rejections and the allowance of all claims in due course. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is encouraged to contact the undersigned by telephone at (919) 854-1400.

Respectfully submitted,

David K. Purks
Registration No. 40,133
Attorney for Applicant

Customer Number 54414
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, NC 27627
919-854-1400
919-854-1401 (Fax)

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Susan E. Freedman
Date of Signature: June 3, 2009